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| 10/790,582 | 03/01/2004 | Lydia Bach | 658-P-001 | 9863 |
| 7277 | 7590 08/08/2005 | | EXAMINER | |
| HOWARD C | . MISKIN | | MATHEW, FENN C | |
| • | MISKIN, & BADIE | | | |
| THE EMPIRE | STATE BUILDING | | ART UNIT | PAPER NUMBER |
| 350 FIFTH AV | /ENUE SUITE 4710 | | 3764 | |
| NEW YORK, | NY 10118 | | | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

| Application No. 10/790,582 | | | C | | | | | |
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| Examiner Fenn C. Mathew - The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Exercision of time mity to available under the provisions of 31° CPR 1.135(u). It is no event, however, may a raply be timely filled If the period for reply is apecified above, the meaninum statistory pricide will apply and valid pagin 50% (6) MoNTHS from the mailing date of this communication (1) in 100 period for reply is apecified above, the meaninum statistory pricide will apply and valid pagin 50% (6) MoNTHS from the mailing date of this communication (1) in 100 period for reply is apecified above, the meaninum statistory pricide will apply and valid pagin 50% (6) MoNTHS from the mailing date of this communication, even if timely filled, may reduce any searce patent term adjustment. See 37 CPR 1.704(b). Status 1) ☑ Responsive to communication(s) filled on 01 March 2004. 2a) ☐ This action is FINAL. 2b) ☑ This action is FINAL. 2c) ☑ This action is FINAL. 2c) ☑ This action is FINAL. 2d) ☑ This action is final this action is required in the final triple from the merits is closed in accordance with the practice under Exparte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) ☑ Claim(s) ½ Silvare rejected. 7) ☐ Claim(s) ½ Silvare rejected. 7) ☐ Claim(s) ☐ Silvare objected to by the Examiner. 10) ☐ The drawing(s) filled on ☐ Isfare: a) ☐ accepted or b) ☐ objected to by the Examine | | Application No. | Applicant(s) | | | | | |
| Fenn C. Mathew 3764 | Office Action Occur | 10/790,582 | BACH, LYDIA | | | | | |
| Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Estancison of time may be available used the provision of 30°CFR 1.78(a). In or event, however, may a reply be timely filed by the period for reply a parallel above lis lates hashifty (30) days, a reply veilin the statutory minimum of the period for reply specified above is lates hashifty (30) days, a reply veilin the statutory minimum of the period for reply specified above is lates hashifty (30) days, a reply veilin the statutory minimum of the period for reply within the set or extended period for reply will, by a datalete, period to the pays and veil expire 50 (60) MONTHS from the mailing date of this communication, seen it immediates the specification is the search patent term adjustment. See 37 °CFR 1.704(b). Status 1) | Office Action Summary | Examiner | Art Unit | | | | | |
| A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MALLING DATE OF THIS COMMUNICATION. Exercises of lines may be available under the provisions of 37 CFR 1.13(s). In an event, however, may a reply be timely filled Exercised of lines may be available under the provisions of 37 CFR 1.13(s). In an event, however, may a reply be timely filled Exercised of lines may be available under the provisions of 37 CFR 1.13(s). In an event, however, may a reply be timely filled Exercised of the complete of the provisions of 37 CFR 1.13(s). In an event, however, may a reply be timely filled Exercised of the complete of the provisions of 37 CFR 1.13(s). In an event, however, may a reply be timely filled Exercised of the complete of the status of t | | l . | | | | | | |
| THE MAILING DATE OF THIS COMMUNICATION. Edetection from rays be available under the provision of 3 CFR 1.13(6). In no event, however, may a repty be timely filed after SX (6) MONTHS from her mailing date of this communication. It is a state of the provision o | The MAILING DATE of this communication app Period for Reply | pears on the cover sheet with the | correspondence address | | | | | |
| 1)⊠ Responsive to communication(s) filed on <u>01 March 2004</u> . 2a]□ This action is FINAL. 2b)⊠ This action is non-final. 3)□ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4)⊠ Claim(s) <u>1-5</u> is/are pending in the application. 4a) Of the above claim(s) <u>is</u> is/are withdrawn from consideration. 5)□ Claim(s) <u>is</u> is/are allowed. 6)☑ Claim(s) <u>is</u> is/are rejected. 7)□ Claim(s) <u>is</u> is/are rejected to . 8)□ Claim(s) <u>is</u> are subject to restriction and/or election requirement. Application Papers 9)□ The specification is objected to by the Examiner. 10)□ The drawing(s) filed on <u>is</u> is/are: a)□ accepted or b)□ objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11)□ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12)□ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a)□ All b)□ Some * c)□ None of: 1.□ Certified copies of the priority documents have been received in Application No 3.□ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). *See the attached detailed Office action for a list of the certified copies of the Priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). *See the attached detailed Office action for a list of the certified copies of the Priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). *See the attached detailed Office action f | THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.1: after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply - If NO period for reply is specified above, the maximum statutory period Failure to reply within the set or extended period for reply with by statute Any reply received by the Office later than three months after the mailing | 36(a). In no event, however, may a reply be till y within the statutory minimum of thirty (30) day will apply and will expire SIX (6) MONTHS from a cause the application to become ABANDONE | mely filed ys will be considered timely. n the mailing date of this communication. ED (35 U.S.C.§ 133). | | | | | |
| 2a) This action is FINAL. 2b) This action is non-final. 3 Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 1-5 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) Claim(s) is/are allowed. 6) Claim(s) 1-5 is/are rejected. 7) Claim(s) is/are objected to. 8) Claim(s) are subject to restriction and/or election requirement. Application Papers 9) The specification is objected to by the Examiner. 10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No. 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 1 Interview Summary (PTO-413) PRIMARY EXAMINER Attachment(s) 1) Notice of References Cited (PTO-82) PRIMARY EXAMINER * PRIMARY EXAMINER 5) Notice of Informal Patent Application (PTO-152) | Status | | | | | | | |
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| 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. JEROME W. DONNELLY PRIMARY EXAMINER Attachment(s) 1) Notice of References Cited (PTO-892) Notice of Draftsperson's Patent Drawing Review (PTO-948) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) 5) Notice of Informal Patent Application (PTO-152) | - · · · · · · | | | | | | | |
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| | 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | · — | Patent Application (PTO-152) | | | | | |

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DETAILED ACTION

Drawings

The drawings are objected to because they contain lead lines with no reference 1. numerals. Specific reference is made to figure 1. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Reneau 3. et al. (U.S. 4,408,759). Reneau discloses as broadly claimed, a removable horizontal gripping bar (50) for supporting at least a portion of the force generated by a user during exercise, a vertical frame comprising a pivotally attached rear frame (85) capable of freely standing (based on the shape of (90), and a pair of vertical side support frames (15) pivotally attached to the rear frame, a user support base having opposing sides and opposing ends and capable of supporting at least a portion of the force generated by a user during exercise, the user gripping bar being removably attached to each of the vertical side support frames and one end of the user base capable of abutting the vertical rear support frame. Referring to claim 2, Reneau teaches a pair of stabilizing legs (13). Referring to claim 3, as broadly construed absent further limiting disclosure, Renau teaches a first and second pair of vertical side support frames (15, 60) pivotally attached to the rear support member. Referring to claim 4, as broadly interpreted, Reneau teaches the user gripping bar being vertically adjustable at a plurality of discrete vertical positions. With respect to claim 5, Reneau teaches that extensions (292) may be removably attached to the base member.

Conclusion

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fenn C. Mathew whose telephone number is (571) 272-4978. The examiner can normally be reached on Monday - Friday 9:00am - 5:30pm.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

fcm

August 4, 2005

JEROME W. DONNELLY PRIMARY EXAMINER